

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 455A.5(6), 481A.38, 481A.39, and 481A.48, the Natural Resource Commission hereby amends Chapter 91, "Waterfowl and Coot Hunting Seasons," Iowa Administrative Code.

These rules give the regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting. In addition to the existing north and south zones, these amendments create a new zone for duck and goose hunting, referred to as the Missouri River zone, which includes all the lands and waters in the state of Iowa west of Interstate 29 and north of State Highway 175. The amendments also adjust the season dates and bag limits to comply with federal regulations and to ensure the seasons open on weekends, as well as establish duck and goose hunting season dates for the new Missouri River zone.

The advantage of the new zone is that hunters will have the opportunity to hunt a week later in this zone than in the south zone. The establishment of a third zone also increases flexibility for adjusting duck hunting season dates if duck seasons are shortened to 30 or 45 days. A shortened season could occur under the current federal regulatory framework if habitat conditions or duck population surveys decline. These zones and season dates keep the five-day September duck season in place, which is highly valued by many hunters, while providing different opening and closing dates for the second segments of the duck season in each zone.

The amendments also reduce the size of areas closed to Canada goose hunting and permit landowner hunting in all Canada goose closed hunting zones.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 2, 2012, as **ARC 0116C**. A public hearing was held on May 23, 2012. Eleven comments were received about the dates or seasons. All comments supported the proposed dates. The following changes have been made to the amendments since publication of the Notice of Intended Action:

- The zone boundaries for the Missouri River zone were moved to Highway 175 based upon comment from the public.
- A bag limit increase for scaup was approved by the U.S. Fish and Wildlife Service after analysis of harvest and population data. Consequently, a new Item 4 has been added to amend subrule 91.1(5) to increase the bag limit for scaup. Subsequent items have been renumbered accordingly.
- Nonsubstantive revisions have been made to Items 6 and 8 to adjust the subrule renumbering because a previously rescinded subrule was unnecessarily renumbered in the Notice.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments should be waived and that these amendments should be made effective August 15, 2012, as the amendments confer a benefit by establishing a September 1 start date for the goose season in the urban zones.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48. These amendments became effective August 15, 2012.

The following amendments are adopted.

ITEM 1. Amend subrules 91.1(1) to 91.1(3) as follows:

91.1(1) Zone boundaries. The north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to Woodbury County Road D38, east to Woodbury County Road K45, southeast to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River duck hunting zone is that part of Iowa west of Interstate 29 and north of State Highway 175. The south duck hunting zone is the remainder of the state.

91.1(2) Season dates - north zone. For all ducks: September 17 22 through September 24 26 and October 15 13 through December 8 6.

91.1(3) Season dates - south zone. For all ducks: September 17 22 through September 24 26 and October 22 20 through December 15 13.

ITEM 2. Renumber subrules **91.1(4)** to **91.1(6)** as **91.1(5)** to **91.1(7)**.

ITEM 3. Adopt the following **new** subrule 91.1(4):

91.1(4) Season dates - Missouri River zone. For all ducks: September 22 through September 26 and October 27 through December 20.

ITEM 4. Amend renumbered subrule 91.1(5) as follows:

91.1(5) Bag limit. The daily bag limit of ducks is 6, and may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, 3 wood ducks, 2 pintails, 1 mottled duck, 1 canvasback, 2 redheads, and 2 4 scaup. The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers.

ITEM 5. Amend subrules 91.3(1) to 91.3(3) as follows:

91.3(1) Zone boundaries. The north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to Woodbury County Road D38, east to Woodbury County Road K45, southeast to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River goose hunting zone is that part of Iowa west of Interstate 29 and north of State Highway 175. The south goose hunting zone is the remainder of the state.

91.3(2) Season dates - north zone. Canada geese and brant: September 24 29 through ~~October 9 and October 15~~ through January 4, ~~2012~~ 2013. White-fronted geese: September 24 29 through December 6 11. Light geese (white and blue-phase snow geese and Ross' geese): September 24 29 through January 8, ~~2012~~ 13, 2013.

91.3(3) Season dates - south zone. Canada geese and brant: October 1 6 through ~~October 16 and October 22~~ through January 11, ~~2012~~ 2013. White-fronted geese: October 1 6 through December 13 18. Light geese (white and blue-phase snow geese and Ross' geese): October 1 6 through January 13, ~~2012~~ 18, 2013.

ITEM 6. Renumber subrules **91.3(4)** to **91.3(7)** as **91.3(5)** to **91.3(8)**.

ITEM 7. Adopt the following **new** subrule 91.3(4):

91.3(4) Season dates - Missouri River zone. Canada geese and brant: October 13 through January 18, 2013. White-fronted geese: October 13 through December 25. Light geese (white and blue-phase snow geese and Ross' geese): October 13 through January 18, 2013.

ITEM 8. Amend renumbered subrule 91.3(8) and subrules 91.3(9) to 91.3(11) as follows:

91.3(8) Light goose conservation order season. Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January 14, ~~2012~~ 19, 2013, through April 15, ~~2012~~ 2013.

a. to e. No change.

91.3(9) Cedar Rapids/Iowa City goose hunting zone.

a. Season dates. September 3 1 through September 14 9.

b. to d. No change.

91.3(10) Des Moines goose hunting zone.

a. Season dates. September 3 1 through September 14 9.

b. to d. No change.

91.3(11) Cedar Falls/Waterloo goose hunting zone.

a. Season dates. September 3 1 through September 14 9.

b. to d. No change.

ITEM 9. Amend subrule 91.4(2) as follows:

91.4(2) Canada geese. There shall be no open season on Canada geese in certain areas described as follows:

a. to c. No change.

d. *Area four.* Portions of Winnebago and Worth Counties bounded as follows: Beginning at the junction of U.S. Highway 69 and County Road 105 in the city of Lake Mills; thence east along County Road 105 (including the right-of-way and all other road right-of-ways identified in this description) approximately ~~5~~ 2 miles to ~~Dogwood~~ Apple Ave.; thence south along ~~Dogwood~~ Apple Ave. to 440th St.; thence east ~~two and one-fourth mile~~ miles on 440th ~~448th~~ St. to Dove Ave.; thence south on Dove Ave. ~~one-half mile~~ to 435th St.; thence east ~~one-fourth mile~~ on 435th St. to Dove Ave.; thence south on Dove Ave. to County Road A34; thence east ~~one mile~~ on County Road A34 (also named 430th St.) to Evergreen Ave.; thence south ~~one mile~~ to 420th St.; thence west along ~~420th St.~~ to Cedar Ave. Cardinal Ave.; thence south ~~one-fourth mile~~ to 445th St.; thence east ~~one-fourth mile~~ to Cedar Ave.; thence south ~~one-half mile~~ on Cedar Ave. to the intersection of Cedar Ave. and 440th St.; thence south ~~one-half mile~~ across the north half of section 16, township 99 north, range 22 west, to the intersection of Cedar Ave. and 435th St.; thence south ~~one-half mile~~ 2 miles along Cedar Ave. to Lake St.; thence west ~~one-fourth mile~~ along Lake St. to Front St.; thence southeast ~~one-half mile~~ along Front St. to County Road A38 (also named 410th St.); thence west along County Road A38 to County Road R74 (also named 225th Ave.); thence north along County Road R74 to 420th St.; thence west along 420th St. to County Road R72 (also named 210th Ave.) 220th Ave.; thence north along County Road R72 to U.S. Highway 69; thence east along U.S. Highway 69 220th Ave. to 430th St.; thence west along 430th St. ~~one-half mile~~ thence north one mile across section 15, township 99 north, range 23 west, to the intersection of 440th St. and 215th Ave.; thence north ~~one-fourth mile~~ on 215th Ave. to 445th St.; thence east and northeast on 445th St. to South 12th Ave. West in Lake Mills; thence east on South 12th Ave. West to South Lake St.; thence north on South Lake St. to point of beginning.

e. to h. No change.

i. *Area nine.* Portions of Monona and Woodbury Counties bounded as follows: For the portion in Monona County, beginning at the junction of County Road K42 and 120th Street; thence south along County Road K42 (including the right-of-way and all other road right-of-ways identified in this description) approximately 4 miles; thence south on Berry Avenue approximately 1 mile to 170th Street; thence east along 170th Street to ~~Cashew~~ Cork Avenue; thence ~~south~~ north along ~~Cashew~~ Cork Avenue to ~~190th Street~~; thence east along ~~190th Street~~ to County Road K45; thence ~~north~~ and north west approximately ~~7~~ 2 miles along ~~Monona~~ County Road K45 to 120th Street; thence west along 120th Street to the point of beginning; and for the portion in Woodbury County, beginning at the junction of County Road K45 K42 and State Highway 141 Interstate 29; thence northwest along County Road K45 Interstate 29 approximately 6 miles to the intersection with Woodbury County Road K25; thence west approximately ~~3~~ 2 miles along Woodbury County Road K25 to the intersection with Port Neal Road; thence continuing along the same westerly line approximately 1 mile on the north border of section 6, township 86 north, range 47 west, to the center of the Missouri River; thence southerly along the Missouri River channel approximately 8 miles to a point where 340th Street meets the Iowa-Nebraska state line on the Missouri River except that portion of Nebraska lying on the east side of the Missouri River; thence east to and along 340th Street approximately 5.5 miles to County Road K42; thence north and east along County Road K42 approximately ~~2.5~~ 1.5 miles to the point of beginning.

j. to l. No change.

m. *Area thirteen.* Portions of Van Buren County bounded as follows: ~~Beginning at the junction of Hawk Drive and State Highway 98; thence east and south along Hawk Drive (including the right-of-way and all other road right-of-ways identified in this description) to Lark Avenue; thence north along Lark Avenue to 170th Street; thence east along 170th Street to State Highway 1; thence south along State Highway 1 to State Highway 2; thence west along State Highway 2 to County Road V56; thence north along County Road V56 to County Road J40; thence east along County Road J40 to County Road V64; thence north along County Road V64 to State Highway 98; thence north along State Highway 98 to the point of beginning.~~ Beginning at the junction of State Highway 2 and State Highway 1; thence west

on State Highway 2 to County Road V64 (including the right-of-way and all other road right-of-ways identified in this description); thence north on County Road V64 to County Road J40; thence east on County Road J40 to State Highway 1; thence south on State Highway 1 to the point of beginning.

n. Area fourteen. Portions of Bremer County bounded as follows: Beginning at the intersection of ~~County Road V56~~ Tahoe Avenue and ~~140th Street~~ (also named State Highway 93) (also named 140th Street); thence south along ~~County Road V56~~ Tahoe Avenue (including the right-of-way and all other road right-of-ways identified in this description) to County Road C33; thence west along County Road C33 to Navaho Avenue; thence north along Navaho Avenue to State Highway 93; thence west along State Highway 93 to U.S. Highway 63; thence north 7 3 miles along U.S. Highway 63 to the ~~Bremer-Chickasaw County line~~; thence ~~east 3 miles along the Bremer-Chickasaw County line road to Oakland Avenue~~; thence south along Oakland Avenue to 120th Street; thence east along 120th Street to Piedmont Avenue; thence south along Piedmont Avenue to 140th Street; thence east along 140th Street, for 2 miles and continuing on a similar east line for 2 more miles along the north borders of sections 28 and 29, township 93 north, range 12 west, to County Road V5C (also named 140th Street); thence east about one-half mile on County Road V5C to which becomes State Highway 93; thence east on State Highway 93 to the point of beginning.

o. Area fifteen. Portions of Butler County bounded as follows: Beginning at the junction of State Highway 14 and 245th Street; thence south along State Highway 14 (including the right-of-way and all other road right-of-ways identified in this description) to 280th Street; thence west along 280th Street for 3 miles; continuing on a similar westerly line along the south ~~borders~~ border of sections ~~31, section 32, and 33~~, township 91 north, range 17 west, ~~; thence west along 280th Street for 1.5 miles to Evergreen Avenue~~; thence north along Evergreen Avenue to 270th Street; thence east along 270th Street to Forest Avenue; thence north along Forest Avenue to 230th Street; thence east along 230th Street to Fir Avenue; thence north along Fir Avenue to 225th Street; thence east along 225th Street to County Road T25 (also named Hickory Avenue); thence ~~south~~ north along County Road T25 to 230th Street; thence east along 230th Street to Jackson Avenue; thence south along Jackson Avenue to 240th Street; thence east along 240th Street to Jackson Avenue; thence south on Jackson Avenue to 245th Street; thence east along 245th Street to the point of beginning.

p. and q. No change.

ITEM 10. Amend subrule 91.5(1) as follows:

91.5(1) Closed areas. ~~Area one (Emmet Co.), Area two (Clay and Palo Alto Cos.), Area three (Dickinson Co.), Area four (Winnebago and Worth Cos.), Area eleven (Jackson Co.), and Area fifteen (Butler Co.) as All areas~~ described in subrule 91.4(2).

a. to c. No change.

ITEM 11. Amend rule 571—91.6(481A) as follows:

571—91.6(481A) Youth waterfowl hunt. A special youth waterfowl hunt will be held on October ~~4~~ 6 and ~~2, 2011~~ 7, 2012, in the north duck hunting zone and October ~~8~~ 13 and ~~9, 2011~~ 14, 2012, in the south duck hunting zone and October 20 and 21, 2012, in the Missouri River duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule 571—91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/5/12.